

## NATIONAL LABOR RELATIONS BOARD 1099 14<sup>th</sup> STREET NW WASHINGTON DC 20570

July 26, 2010

Re: <u>E.B. Eames Co., Inc.</u> Cases 19-RM 2245, 20-RM-2869, 21-RM-2675, 27-RM-683 and 28-RM-617

Mr. Brady Eames P.O. Box 18 Logan, Utah 84323-0018

Dear Mr. Eames:

This is in response to your July 2, 2010 letter, postmarked July 14 and received July 19, asking the Board to declare void the earlier orders by Chairman Liebman and Member Schaumber in the subject cases. This is also in response to your July 23, 2010 letter requesting the current rules, regulations and instructions with regard to the Board's handling of the two-member decisions which the Supreme Court in *New Process Steel v. NLRB*, 177 L. Ed. 2d 162 (U.S. 2010), decided it was not authorized to issue when three of the five seats were vacant.

With respect to your July 23 request, the Board in a July 1 Press Release announced that it was seeking remand of all two-member decisions that are pending before federal courts and that such remanded cases would be considered by a three-member panel. It has not announced procedures for other two-member cases. In many other cases the parties consider the matter closed and have not sought any further action by the Board. Others, like you, have filed motions to vacate. The Board will consider such motions upon proper filing.

In that regard, your July 2 request has not been properly filed because such requests, and all filings with the Board, must be served on the other parties in the case, and you have not provided a certification that the other parties in your cases have been served with your July 2 request. It is my understanding that a representative of the Executive Secretary's Office, on July 19, 2010, requested that you provide this certificate of service. To date, this office has not received any indication from you that this requested service has been achieved. This is to advise that if you do not serve the

Mr. Brady Eames PAGE TWO

other parties with your request and provide a certification to the Board that you have done so by August 2, 2010, your July 2 request will be rejected.

Very truly yours,

Richard D. Hardick

**Associate Executive Secretary** 

Taked & Harbed